

Abran E. Vigil
Nevada Bar No. 7548
Justin A. Shiroff
Nevada Bar No. 12869
BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135
Telephone: (702) 471-7000
Facsimile: (702) 471-7070
E-Mail: vigila@ballardspahr.com
E-Mail: shiroffj@ballardspahr.com

*Attorneys for Plaintiff Wells Fargo Bank,
National Association, as trustee, on behalf
of the holders of Structured Asset
Mortgage Investments II, Inc., Bear
Stearns Mortgage Funding Trust 2006-
AR5, Mortgage Pass-Through Certificates,
Series 2006-AR5*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WELLS FARGO BANK, N.A., AS
TRUSTEE, ON BEHALF OF THE
HOLDERS OF STRUCTURED ASSET
MORTGAGE INVESTMENTS II, INC.,
BEAR STEARNS MORTGAGE FUNDING
TRUST 2006-AR5, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2006-AR5, a national banking association

Plaintiff,

v.

SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company;
ELDORADO THIRD COMMUNITY
ASSOCIATION, a Nevada non-profit
corporation.

Defendant.

Case No. 2:16-cv-01069-MMD-VCF

**STIPULATION AND ORDER TO
DISMISS WITH PREJUDICE**

1 ELDORADO THIRD COMMUNITY
2 ASSOCIATION, a Nevada non-profit
corporation;

3 Third-Party Plaintiff,

4 v.

5 ABSOLUTE COLLECTION SERVICES,
6 LLC, a Nevada limited liability company;

7 Third-Party Defendant.

8 SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company;

9 Counter Claimant,

10 v.

11 WELLS FARGO BANK, N.A., AS
12 TRUSTEE, ON BEHALF OF THE
13 HOLDERS OF STRUCTURED ASSET
14 MORTGAGE INVESTMENTS II, INC.,
15 BEAR STEARNS MORTGAGE FUNDING
TRUST 2006-AR5, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2006-AR5, a national banking association;

16 Counter Defendant.

17 Pursuant to Local Rules LR IA 6-2 and LR 7-1, Plaintiff/Counter-defendant,
18 Wells Fargo Bank, N.A., as Trustee, on Behalf of the Holders of Structured Asset
19 Mortgage Investments II, Inc., Bears Sterns Mortgage Funding Trust 2006-AR5,
20 Mortgage Pass-Through Certificates, Series 2006-AR5 (the "Trustee"),
21 Defendant/Counterclaimant SFR Investment Pools 1, LLC ("SFR"),
22 Defendant/Third-Party Complainant Eldorado Third Community Association (the
23 "Association"), and Third-Party Defendant Absolute Collection Services, LLC
24 (collectively, the "Parties") hereby stipulate as follows:

25 1. This action concerns title to real property commonly known as 1309
26 Silent Sunset Ave., North Las Vegas, Nevada 89084 (the "Property") following a
27 homeowner's association foreclosure sale conducted on May 15, 2012, with respect
28 to the Property.

2. As it relates to the Parties, a dispute arose regarding that certain Deed of Trust recorded against the Property in the Official Records of Clark County, Nevada as Instrument Number 20061213-0002365 (the “Deed of Trust”), and in particular, whether the Deed of Trust continues to encumber the Property.

3. The Parties to this Stipulation have agreed to release their respective claims, and further agreed that the claims between them, including the Complaint, Counterclaim, and Third-Party Complaint, shall be DISMISSED with prejudice.

4. The Parties further stipulate and agree that the two Lis Pendens recorded against the Property in the Official Records of Clark County, Nevada, as Instruments Number 20131127-0001142, and 20170207-0001482 be, and the same hereby are, EXPUNGED.

5. The Parties further stipulate and agree that the \$500 in security costs posted by Chase on July 13, 2016 pursuant to this Court’s Order [ECF No. 11] shall be discharged and released to the Ballard Spahr LLP Trust Account.

6. The Parties further stipulate and agree that a copy of this Stipulation and Order may be recorded with the Clark County Recorder; and

(Remainder of Page Intentionally Left Blank)

7. Each party in this case number 2:16-cv-01069-MMD-VCF shall bear its own attorneys' fees and costs.

Dated: December 18, 2018

BALLARD SPAHR LLP

KIM GILBERT EBRON

By: /s/ Justin A. Shiroff
Abran E. Vigil
Nevada Bar No. 7548
Justin A. Shiroff
Nevada Bar No. 12869
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135

By: /s/ Jaqueline A. Gilbert
Diana S. Ebron
Nevada Bar No. 10580
Jacqueline A. Gilbert
Nevada Bar No. 10593
Karen L. Hanks
Nevada Bar No. 9578
7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139

Attorneys for Wells Fargo Bank, N.A.

Attorneys for SFR Investments Pool 1, LLC

ABSOLUTE COLLECTION SERVICES, LLC

BOYACK ORME & ANTHONY

By: /s/ Shane D. Cox
Shane D. Cox, Esq.
7485 W. Azure, Suite 129
Las Vegas, Nevada 89130

By: /s/ Christopher B. Anthony
Edward D. Boyack
Nevada Bar No. 5229
Christopher B. Anthony
Nevada Bar No. 9748
7432 W. Sahara Ave.,
Las Vegas, Nevada 89117

*Attorneys for Third-Party Defendant
Absolute Collection Services, LLC*

*Attorneys for Defendant/Third-Party
Plaintiff Eldorado Third Community
Association*

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Dated: December 20, 2018